

## REVISION OF COMMERCIAL TREATIES

*Convention signed at Washington July 25, 1878*

*Senate advice and consent to ratification December 18, 1878*

*Ratified by the President of the United States January 20, 1879*

*Ratified by Japan February 7, 1879*

*Ratifications exchanged at Washington April 8, 1879*

*Entered into force April 8, 1879*

*Proclaimed by the President of the United States April 8, 1879*

*Superseded July 17, 1899, by treaty of November 22, 1894<sup>1</sup>*

20 Stat. 797; Treaty Series 189

### CONVENTION REVISING CERTAIN PORTIONS OF EXISTING COMMERCIAL TREATIES AND FURTHER EXTENDING COMMERCIAL INTERCOURSE BETWEEN THE UNITED STATES AND JAPAN

The President of the United States of America, and His Majesty the Emperor of Japan, both animated with the desire of maintaining the good relations which have so happily subsisted between their respective countries, and wishing to strengthen, if possible, the bond of friendship and to extend and consolidate commercial intercourse between the two countries by means of an additional convention, have for that purpose named as their respective plenipotentiaries; that is to say; the President of the United States, William Maxwell Evarts, Secretary of State of the United States, and His Majesty the Emperor of Japan, Jushie Yoshida Kiyonari, of the Order of the Rising Sun, and of the Third Class, and His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America, who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I

It is agreed by the high contracting parties that the Tariff Convention, signed at Yedo on the 25th day of June, 1866,<sup>2</sup> or the 13th of the 5th month of the second year of Keio, by the respective representatives of the United States, Great Britain, France and Holland on the one hand, and Japan on

<sup>1</sup> TS 192, *post*, p. 387.

<sup>2</sup> TS 188, *ante*, vol. 1, p. 18.

the other, together with the schedules of tariff on imports and exports and the bonded warehouse regulations, both of which are attached to the said convention, shall hereby be annulled and become inoperative as between the United States and Japan under the condition expressed in Article X of this present convention; and all such provisions of the treaty of 1858,<sup>3</sup> or the fifth year of Ansei, signed at Yedo, as appertain to the regulations of harbors, customs and taxes, as well as the whole of the trade-regulations, which are attached to the said treaty of 1858, or the fifth year of Ansei, shall also cease to operate.

It is further understood and agreed that from the time when this present convention shall take effect, the United States will recognize the exclusive power and right of the Japanese government to adjust the customs tariff and taxes and to establish regulations appertaining to foreign commerce in the open ports of Japan.

#### ARTICLE II

It is, however, further agreed that no other or higher duties shall be imposed on the importation into Japan of all articles of merchandise from the United States, than are or may be imposed upon the like articles of any other foreign country; and if the Japanese government should prohibit the exportation from, or importation into, its dominions of any particular article or articles, such prohibition shall not be discriminatory against the products, vessels or citizens of the United States.

#### ARTICLE III

It is further agreed, that, as the United States charge no export duties on merchandise shipped to Japan, no export duties on merchandise shipped in the latter country for the United States shall be charged after this treaty shall go into effect.

#### ARTICLE IV

It is further stipulated and agreed, that, so long as the first three sentences which are comprised in the first paragraph of article VI of the treaty of 1858, or the fifth year of Ansei, shall be in force, all claims by the Japanese government for forfeitures or penalties for violations of such existing treaty, as well as for violations of the customs, bonded-warehouse and harbor regulations, which may, under this convention, from time to time, be established by that government, shall be sued for in the consular courts of the United States, whose duty it shall be to try each and every case fairly and render judgment in accordance with the provisions of such treaty and of such regulations; and the amount of all forfeitures and fines shall be delivered to the Japanese authorities.

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<sup>3</sup> TS 185, *ante*, p. 362.

## ARTICLE V

It is understood and declared by the high contracting parties, that the right of controlling the coasting trade of Japan belongs solely, and shall be strictly reserved, to the government of that Empire.

## ARTICLE VI

It is, however, agreed, that vessels of the United States arriving at any port of Japan open to foreign commerce, may unload, in conformity with the customs laws of that country, such portions of their cargoes as may be desired, and that they may depart with the remainder, without paying any duties, imposts or charges whatsoever, except for that part which shall have been landed, and which shall be so noted on the manifest. The said vessels may continue their voyage to one or more other open ports of Japan, there to land the part or residue of their cargoes, desired to be landed at such port or ports. It is understood, however, that all duties, imposts, or charges whatsoever, which are or may become chargeable upon the vessels themselves, are to be paid only at the first port where they shall break bulk or unload part of their cargo; and that at any subsequent port used in the same voyage only the local port charges shall be exacted for the use of such port.

## ARTICLE VII

In view of the concessions made by the United States in regard to the customs tariff, and the customs and other regulations of Japan, as above stipulated in Article I, the government of Japan will, on the principle of reciprocity, make the following concessions, to wit: That two additional ports (whereof one shall be Shimo-no-seki, and the other shall be hereafter decided upon by the contracting parties jointly), from the date when the present convention may go into effect, shall be open to citizens and vessels of the United States, for the purposes of residence and trade.

## ARTICLE VIII

It is also agreed that, as the occasion for Article V of the treaty of 1858, or the fifth year of Ansei, between the two countries is considered to have passed away, that article shall, after the present treaty shall have gone into effect, be regarded as no longer binding.

## ARTICLE IX

It is further agreed, that such of the provisions of the treaties or conventions heretofore concluded between the two countries and not herein expressly abrogated, as conflict with any provisions of the present convention are hereby revoked and annulled; that the present convention shall be considered to be and form a part of the existing treaties between the two countries; that

the revision of such portions of the said treaties as are not modified or revoked by the present convention, as also the revision of the present convention itself, may be demanded hereafter by either of the high contracting parties; and that this convention, as well as the previous treaties as modified thereby, shall continue in force until, upon such a revision of the whole, or any part thereof, it shall be otherwise provided.

#### ARTICLE X

The present convention shall take effect when Japan shall have concluded such conventions or revisions of existing treaties with all the other treaty powers holding relations with Japan as shall be similar in effect to the present convention, and such new conventions or revisions shall also go into effect.

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as may be within fifteen months from the date hereof.

In faith whereof the above named Plenipotentiaries have hereunto set their hands and seals, at the city of Washington, this twenty-fifth day of July, one thousand eight hundred and seventy-eight, or twenty-fifth day of the seventh month of the eleventh year of Meiji.

WILLIAM MAXWELL EVARTS	[SEAL]
YOSHIDA KIYONARI	[SEAL]